Patenting of Pharmaceuticals and Agro-Chemical Products

1138. DR. MAHESH CHANDRA SHARMA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) how many applications for product patents for Pharmaceuticals and Agro chemicals have been received since 1st January, 1995;

(b) how many applications relate to new molecule and how many for new formulations alone;

(c) whether it is a fact that USA gives product patents for changes in usage form, dosage form and new combination even on-off patent basic drugs; and

(d) whether it is also a fact that Government have decided not to give patents for patents expired basic drugs related formulation whether they relate to changes in dosage form, usage form or even new combination?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI MURASOLI MARAN): (a) and (b) During the period from 1 January, 1995 to 31 October, 1999, 2994 applications have been filed for pharmaceutical and 494 applications for agricultural chemical products. These applications are yet to be taken up for examination.

(c) Such information is not maintained. However, for grant of patent, any application has to satisfy the criteria of inventive step, even in the United States of America.

(d) Patents are granted according to the provisions of the Patents Act, 1970. However, according to Section 3(e) of the said Act, patent can not be granted on an admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such admixture. Further, Section 3(d) prohibits grant of patent for new use of known substance.

Growth Centre Scheme

1139. SHRI PARMESHWAR KUMAR AGARWALLA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that the growth centres functioning under the growth centre scheme are at various stages of development;